

REMARKS

Claims 37 and 38 are added, and therefore claims 19 to 38 are now pending.

Reconsideration is respectfully requested based on the following.

Applicants thank the Examiner for accepting the drawings.

Claims 19 to 36 were rejected under the second paragraph of 35 U.S.C. §112 as incomplete for omitting essential structural cooperative relationships of elements, particularly with respect to the comparison of two input values.

While the rejections may not be agreed with, to facilitate matters, claims 19, 34, and 36 are rewritten to better clarify the claimed subject matter. Therefore, withdrawal of the indefiniteness rejections is respectfully requested.

Claims 19 to 36 were rejected under 35 U.S.C. §103(a) as unpatentable over Grochowski et al. U.S. Patent No. 6,615,366 (the “Grochowski” reference) in view of Moy et al. U.S. Patent No. 6,947,047 (the “Moy” reference).

To reject a claim under 35 U.S.C. § 103(a), the Office bears the initial burden of presenting a *prima facie* case of obviousness. *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish *prima facie* obviousness, three criteria must be satisfied. First, there must be some suggestion or motivation to modify or combine reference teachings. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). This teaching or suggestion to make the claimed combination must be found in the prior art and not based on the application disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

As clearly indicated by the Supreme Court, it is “important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements” in the manner claimed. *See KSR Int’l Co. v. Teleflex, Inc.*, 127 S. Ct. 1727 (2007). In this regard, the Supreme Court further noted that “rejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *Id.*, at 1396. Second, there must be a reasonable expectation of success. *In re Merck & Co., Inc.*, 800 F.2d 1091, 231 U.S.P.Q. 375 (Fed. Cir. 1986). Third, the prior art reference(s) must teach or suggest all of the claim features. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

While the rejections may not be agreed with, to facilitate matters, claim 19 has been rewritten to better clarify the claimed subject matter. In particular, claim 19, as presented,

relates to a method for switching between at least two operating modes of a processor unit that includes at least two execution units for running programs, including: assigning at least one identifier to at least the programs, the identifier allowing a differentiation between the at least two operating mode; switching between the operating modes as a function of the identifier such that the processor unit runs the programs according to the assigned operating mode, in which the identifier is a part of at least a program.

The Office Action expressly admits that the “Grochowski” reference does not disclose the feature of “the identifier is a part of at least a program” as provided for in the context of claim 19. However, the Office Action relies on the text at col. 14, lines 15 to 30, of the “Moy” reference as assertedly disclosing the feature. The cited portion of the “Moy” reference merely refers to mode bits that are copied into an instruction thread buffer along with instructions. It does not, however, disclose that the mode bits are part of at least a program.

In the secondary Moy reference, the text at column 8 (beginning at line 14) states that the “processor operates in a mode in which the primary pipe execute all instructions . . . but enters a parallel processing mode (in which all three pipes are enable) when a greater data throughput rate is required”. So this statement clearly shows that the switching depends on the amount of data -- and not on some identifier that is a part of the program. The Office Action cites the text at column 14, lines 15 to 30, and conclusorily asserts that this part of Moy somehow discloses the feature of “embedding an identifier into a program”. In fact, the text at column 14 (beginning at line 20) only states that the “instructions and corresponding mode bits . . . are also stored temporarily as part of an instruction thread . . . the instructions and a mode bits that determine each instruction thread can be copied into an instruction thread buffer”.

In short, this means that internal mode bits are generated in the processing unit and assigned to each of the different pipelines. These mode bits are generated as internal communication means of the processing unit if the amount of data becomes too large. This has nothing to do with an identifier which is part of a program.

Accordingly, it is believed and respectfully submitted that any combination of Growchowski and Moy do not disclose the features of 19, as presented.

Accordingly, for at these reasons, claim 19, as presented, is allowable, as are its dependent claims 19 to 33.

Claims 34 and 36, as presented, include features similar to those of claim 19, as presented, and are therefore allowable for essentially the same reasons as claim 19, as presented.

Claim 35 depends from claim 34, as presented, and is therefore allowable for the same reasons as claim 34, as presented.

New claims 37 and 38 do not add new matter and are supported by the present application. New claims 37 and 38 depend from claim 19, as presented, and are therefore allowable for at least the same reasons as claim 19.

In summary, all pending claims 19 to 38 are allowable.

CONCLUSION

In view of the foregoing, all pending claims 19 to 39 are allowable. It is therefore respectfully requested that the objections and rejections be withdrawn. Prompt reconsideration and allowance of the present application are therefore respectfully requested.

Dated: 12/17/2008

Respectfully submitted,

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